

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In Re:

Case No. 19-14682

Romie Middleton-Jackson  
*aka Romie Middleton*

Chapter 13

Debtor.

Hon. Judge Jacqueline P. Cox

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NOTICE OF MOTION OF U.S. BANK TRUST NATIONAL ASSOCIATION AS  
TRUSTEE OF THE TIKI SERIES III TRUST TO MODIFY AUTOMATIC STAY

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**VIA ELECTRONIC NOTICE:**

David M. Siegel, David M. Siegel & Associates, 790 Chaddick Drive,  
Wheeling, IL 60090

Tom Vaughn, 55 E. Monroe Street, Suite 3850, Chicago, IL 60603

**VIA U.S. MAIL:**

Romie Middleton-Jackson, 2052 N Newland Ave, Chicago, IL 60707

Debra Middleton, 2052 N Newland Ave, Chicago, IL 60707

PLEASE TAKE NOTICE that on February 18, 2020, we have electronically sent for filing with the Clerk of the U.S. Bankruptcy Court, a Motion of U.S. Bank Trust National Association as Trustee of the Tiki Series III Trust to Modify Automatic Stay, a copy of which is hereto attached.

Please take notice that on March 2, 2020 at 9:00 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Jacqueline P. Cox, in Courtroom 680, Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604, and then and there present the attached ***Motion of U.S. Bank Trust National Association as Trustee of the Tiki Series III Trust to Modify Automatic Stay***, which has been electronically filed this date with the Clerk of the U.S. Bankruptcy Court for the Northern District of Illinois, a copy of which is hereby served upon you by electronic notice or U.S. Mail.

Dated: February 18, 2020

Respectfully Submitted,

/s/ Jon J. Lieberman

Jon J. Lieberman (OH 0058394)  
Sottile & Barile, Attorneys at Law  
394 Wards Corner Road, Suite 180  
Loveland, OH 45140  
Phone: 513.444.4100  
Email: bankruptcy@sottileandbarile.com  
Attorney for Movant

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the above-named parties by electronic filing or, as noted above, by placing same in a properly addressed and sealed envelope, postage prepaid, and depositing it in the United States Mail at 394 Wards Corner Rd., Suite 180, Loveland, OH 45140 on February 18, 2020, before the hour of 5:00 p.m.

/s/ Jon J. Lieberman

Jon J. Lieberman (OH 0058394)  
Attorney for Movant

**UNITED STATES BANKRUPTCY COURT  
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**MOTION OF U.S. BANK TRUST NATIONAL ASSOCIATION AS TRUSTEE OF THE  
TIKI SERIES III TRUST FOR RELIEF FROM STAY**

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NOW COMES U.S. Bank Trust National Association as Trustee of the Tiki Series III Trust (hereinafter, “Movant”), a secured creditor herein, by and through its attorneys, the law firm of Sottile & Barile, LLC, moves this Honorable Court pursuant to 11 U.S.C. §362(d) for an Order granting Movant relief from the automatic stay and in support thereof states as follows:

1. This Court has jurisdiction pursuant to 11 U.S.C. §§361, 362 and 363 of the United States Bankruptcy Code.
2. On April 26, 2004, the Debtor did execute a certain Note in the amount of \$212,000.00 (Exhibit A), secured by a Mortgage on the property commonly known as 2052 N NEWLAND STREET, ELMWOOD, IL 60707 (Exhibit B).
3. On February 22, 2012, the Debtor entered into a Loan Modification Agreement effective March 1, 2012 (Exhibit C).
4. Enforcement of Movant’s security interest has been stayed automatically by operation of 11 U.S.C. § 362 of the Bankruptcy Code upon Debtor’s filing of this petition on May 22, 2019.

5. The Debtor's Modified Chapter 13 Plan was confirmed on September 9, 2019.

Section 3.1 of the Modified Plan provides for the Debtor to make current monthly mortgage payments directly to Movant and provides for Movant to receive monthly disbursements from the Chapter 13 Trustee to cure the pre-petition arrearage claim.

6. As of February 11, 2020, there remains due and owing on the Note and Mortgage referenced in paragraph two hereof, the unpaid principal balance of \$198,667.94.
7. The Debtor is delinquent on post-petition mortgage payments to Movant. As of February 11, 2020, the account was past due for September 2019 through February 2020 for a default of \$10,256.85 in addition to the taxes recently disbursed by Movant in the amount of \$4,256.56.
8. Continuation of the automatic stay will cause irreparable harm to Movant and will deprive it of the adequate protection to which it is entitled.
9. This Court has authority to order that Rule 4001(a)(3) is waived to the order entered in granting this motion, and Movant requests this Court so order.

**WHEREFORE**, Movant prays this Court enter an Order pursuant to 11 U.S.C. Section 362(d) modifying the automatic stay as to Movant, and for such other and further relief as this Court may deem just and proper.

Dated: February 18, 2020

Respectfully Submitted,

/s/ Jon J. Lieberman

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Sottile & Barile, Attorneys at Law  
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Attorney for Movant